

A regular meeting of the Redmond City Council was called to order by Mayor Rosemarie Ives at 7:37 p.m. in the Council Chambers. Councilmembers present were: Cole, Dorning, McCormick, Paine, Plackett, Robinson, and Vache.

WELCOME

The Mayor welcomed Councilmember Pat Vache, who is filling the position vacated by Mr. Misenar.

ITEMS FROM THE AUDIENCE

Jerry Creek, 11420 176 Place NE, said he has been following the Wildlife Habitat Plan for a long time, and testified before the Planning Commission. He observed that the notification was misleading; the city code, process, and proposal were flawed. He continued that he asked staff what the requirement would be for a variety of development proposals on his lot in relation to the Wildlife Habitat Plan and staff responded that all of the activities proposed would require a permit and would trigger an extensive wildlife study, estimated at \$35,000 and up.

Mr. Creek said he is being penalized for not clearing the property when he first moved in. He suggested some solutions to encourage protection of habitat:

- Create a citywide habitat protection district and charge all property owners a fee to purchase habitat rights in the areas where there is wildlife habitat, so people would be treated equally.
- Change the code to consider only those species on the threatened or endangered species lists.
- Educate and provide incentives for habitat protection on private property
- Make compliance with city code optional.

John Graves, 17021 NE 101 Place, speaking on behalf of Redmond West Little League, urged the Council to pass the ordinance regarding the donation of two scoreboards. He said the goal is get the scoreboards installed by March 1, 2004 and Redmond West Little League would like to work with the city on implementing the project.

Judge David Admire, representing the judges at King County District Court, Northeast Division, said the judges have worked with the Mayor and staff to resolve the issues concerning the interlocal agreement for court services that is on the Council's agenda tonight.

Ann Stillwater, 5412 157 Drive NE, spoke against the discharge of Police Commander Gail Marsh. She said she was outraged that the City of Redmond could treat such a distinguished civil servant in this way. She stated the process was flawed and biased and asked the Council to do

what is in its power to see that the proceedings are reviewed and reopened so the matter can be resolved without the necessity of a lawsuit.

Greg Misenar, 18019 214 Avenue NE, welcomed Councilmember Vache. He endorsed the ordinance regarding the ballfields at Hartman Park.

CONSENT AGENDA

Motion by Ms. Dorning, second by Ms. McCormick, to approve the following items of the Consent Agenda:

(1) approve the minutes of the special meetings of November 15 and November 17, 2003, and regular meeting of November 18, 2003

(2) approve the following payroll/direct deposit and claims checks:

PAYROLL/DIRECT DEPOSIT CHECKS:

#156642 through 156755; and
#116895 through 117467 \$1,099,838.95

CLAIMS CHECKS:

#211005 through 211397 \$4,448,625.10

(3) approve a consultant agreement with AMX International for professional services related to the purchase of software and implementation of an Enterprise Resource Planning (ERP) system for the Finance/Human Resource System Replacement Project, and authorize the Mayor to sign the agreement

(4) authorize the Mayor to sign an interlocal agreement for provision of court services by King County for 2005-2006

(8) approve Resolution No. 1178, amending the Fire Department Fee Schedule adopted by Resolution No. 1073, as previously amended by Resolution No. 1161, in order to revise the method of collecting certain fees, to add certain fees, and to revise the amount of certain fees, which was presented and read

(9) adopt Ordinance No. 2183, accepting a donation of two baseball scoreboards and the cost of installation from Redmond West Little League, and authorizing the Mayor to execute an agreement with Redmond West Little League regarding such donation, which was presented and read

(10) adopt Ordinance No. 2184, making adjustments to city budgets, amending Ordinance Nos. 2144, 2165, 2169 and 2178, which was presented and read

(11) approve the 2002 and 2003-2005 Labor Agreements with the Redmond Fire Fighters Union representing the Fire Support Bargaining Unit; and adopt Ordinance No. 2185, establishing 2002 and 2003 Pay Plans "FS" for employees covered by the International Association of Fire Fighters No. 2829 representing the Fire Support Unit, which was presented and read

(12) approve the 2003-2005 Labor Agreement with SEIU, Local No. 519, Public Safety Employees representing the Police Commanders; and adopt Ordinance No. 2186, establishing the 2003 Pay Plan "PC" for employees covered by the SEIU Local No. 519 Public Safety Employees representing the Police Commanders, which was presented and read

(13) approve Resolution No. 1179, amending Subsection 6.45(1) and adding new Subsections 6.40(5) and 6.45(4) to the Redmond Personnel Manual in order to adopt a healthcare conversion policy for employees retiring or terminating city employment; to increase Accidental Death and Dismemberment Insurance for employees in the Executive Pay Plan; and establishing severability and an effective date, which was presented and read

(14) adopt Ordinance No. 2187, amending Pay Plans "N" and "E" in order to set salaries for non-union and executive employees for the year 2004, providing for severability and establishing an effective date, which was presented and read.

Upon a poll of the Council, Cole, Dorning, McCormick, Paine, Plackett, Robinson, and

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Vache voted aye. Motion carried
unanimously (7 - 0).

LETTERS RELATING TO CASCADE WATER ALLIANCE (CWA)/CITY OF SEATTLE
WATER SUPPLY AGREEMENT

The Mayor, in a memorandum to the Council dated December 2, 2003, recommended that the city send letters to the City of Seattle regarding the current water purveyor contract.

Councilmember Robinson said this relates to Redmond entering into an agreement with CWA, and Seattle is asking us to sign a letter of intent that Redmond will pay for its portion of the water if the CWA falls apart. He noted he had read about the problems with Lake Tapps and the agreement with CWA would be a tremendous expense to Redmond ratepayers. He concluded that he would vote against sending the letters.

Motion by Ms. Dorning, second by Ms. Plackett, to authorize the Mayor to send a letter to the City of Seattle relinquishing all rights under Redmond's current Water Purveyor Contract; and authorize the Mayor to send a letter to the City of Seattle acknowledging and accepting a contingent liability for non-payment by Cascade Water Alliance.

Councilmember Dorning said she has been working with water issues for the past twelve years. She said it will be expensive, but we will still need additional water over the years, and this is in the best interest of the ratepayers.

Motion carried (6 - 1) with Robinson
voting nay.

SUPPLEMENTAL AGREEMENT NO. 1 NE 83 STREET IMPROVEMENTS (160
AVENUE NE TO 161 AVENUE NE), AND NE 83 STREET CORRIDOR DESIGN,
PROJECT NO. 03-CI-06

The Mayor, in a memorandum to the Council dated December 2, 2003, recommended approval of the supplemental agreement and the preferred NE 83 Street corridor design.

Councilmember Cole said he supported the project, but thought the wide sidewalks were not necessary.

Motion by Ms. Dorning, second by Mr. Robinson, to approve Supplemental No. 1 for final design of improvements from 160 Avenue NE to 161 Avenue NE on the NE 83 Street Corridor, Project No. 03-CI-06, with KPG, Inc., in the amount of \$154,000, and authorize the Mayor to sign the

agreement; approve the preferred NE 83 Street Corridor design from 158 Avenue NE to 167 Avenue NE, which was presented to the Council at the September 2, 2003 Council meeting; and authorize staff to proceed with obtaining the necessary right-of-way for the project. Motion carried (6 - 1) with Cole voting nay.

AWARD OF BID, SAMMAMISH RIVER PEDESTRIAN BRIDGE, PROJECT NO. 99-CI-52 (Federal Aid No. P-STPUL-TA 96 (358))

The Mayor, in a memorandum to the Council dated December 2, 2003, recommended approval of the award of bid.

Councilmember Cole said he is opposed to using transportation funds for this pedestrian bridge over the Sammamish Slough.

Motion by Ms. Dorning, second by Mr. Paine, to approve the award of bid for the Sammamish River Pedestrian Bridge, Project No. 99-CI-52, to Wilder Construction Company, Everett, Washington, for the bid amount of \$630,209.05; and authorize the Mayor to sign the contract.

The following bids were received:

Wilder Const. Co.	\$630,209.05
S.L. Larsen Const. Co.	652,000.00
Gary Merlino Const. Co.	664,396.50
KLB Const. Co.	690,853.50
C.W. Williams Const. Co.	692,369.80
Mowat Const. Co.	707,715.00
L.W. Sundstrom, Inc.	712,602.00
MidMountain Contractors, Inc.	717,133.50
Skaar Const. Co.	736,000.00
Pacific Road & Bridge Co.	738,207.00
C.A. Carey	784,537.00
Engineer's Estimate	\$707,477.20

Motion carried (5 - 2) with Cole and Plackett voting nay.

PUBLIC HEARING - 2004 PROPERTY TAX LEVY

The Mayor opened the public hearing at 8:09 p.m. Hearing no testimony, the Mayor closed the hearing.

The Mayor, in a memorandum to the Council dated December 2, 2003, recommended approval of the proposed ordinance

establishing the 2004 property tax levy for general operations.

Motion by Ms. Dorning, second by Ms. McCormick, to adopt Ordinance No. 2188, establishing the 2004 property tax levy for general operations and the payment of debt service on voted bond issues.

Ordinance No. 2178, levying property taxes for the City of Redmond for the fiscal year commencing January 1, 2004, on all property, both real and personal, in said city which is subject to taxation for the purpose of paying sufficient revenue to carry on the general operations and pay debt service obligations of said city for the ensuing year as required by law, was presented and read.

Upon a poll of the Council, Cole, Dorning, McCormick, Paine, Plackett, Robinson, and Vache voted aye. Motion carried unanimously (7 - 0).

REPORTS

Staff Report - City Hall Project

David Rhodes, Director of Public Works, said the Council is scheduled to meet with transportation consultant Jim Charlier on December 9, 2003. He noted last week the Design Review Board approved the parking structure and design for City Hall with some exceptions. He said Wright-Runstad expects to have costs confirmed by next week in time for the study session.

Given that the Design Review Board took a formal vote, Councilmember McCormick asked what are the next steps? James E. Haney, City Attorney, explained that the Technical Committee's recommendation includes the Design Review Board process, which provides for an appeal process to the Hearing Examiner. James L. Roberts, Deputy Planning Director, added that the Hearing Examiner's decision is final, and can be appealed to the City Council if the applicant does not agree. He explained in the State Environmental Policy Act (SEPA) process the city cannot issue a formal site plan approval letter until the comment period is closed; if that is appealed, the Hearing Examiner could hear the issue by the first week in January 2004, and the matter could be before the Council in mid-January 2004.

In response to a question from Councilmember Cole about when the issue would become quasi-judicial, Mr. Roberts answered it would become quasi-judicial as soon as an appeal is filed.

Mr. Haney explained that the situation is unusual. He said the city has the ability to appeal its own Hearing Examiner decisions related to boards and commissions. He continued that once the permit is issued, after the SEPA process is completed, it will have to include the Design Review Board's conditions of approval; that decision can be appealed to the Hearing Examiner, and the Hearing Examiner's decision could be appealed to the City Council. He further explained the City Council has a dual role as the owner and the applicant. If the Council adopts either alternative proposed by the Design Review Board, there is no need to appeal the Design Review Board's conditions, and the leases can be brought forward to the Council for approval based on the alternative selected. If the Council does not select one of those alternatives, it must then appeal the Design Review Board's decision. He concluded the leases are basically agreed to with respect to language, except for the dollar amounts.

Staff Report - Venue Change for 2004 and 2005 Derby Days

The Mayor, in a memorandum to the City Council dated December 2, 2003, recommended that Derby Days be moved back to the Old Redmond School House Community Center (ORSCC) for the two-year period that the new City Hall is under construction.

In response to a question from Councilmember Cole, Tom Trueblood, Recreation Division Manager, replied the decision is to move the venue back to the Community Center. He said the move is temporary, and the committee wants to fall back on what has been successful in the past, but it can be discussed at the study session on January 13, 2004. The decision on the parade route does not have to be made at this time, he concluded.

OMBUDSMAN REPORT

Councilmember McCormick asked for a timeline on two items - NE 116 Street proposed short plat, and dealing with a pressure reducing valve installed years ago.

Mr. Haney said he completed the findings Councilmember McCormick asked for and the draft findings and conclusions will be brought to Council at the first January 2004 meeting.

Councilmember Plackett was contacted by residents of the Village at Overlake Station because their free Metro passes expire in February 2004, and asked about an extension of that program. Roberta Lewandowski, Director, Planning and Community Development, said she would report back to the Council by next week.

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Councilmember Cole asked for information on the property near Grass Lawn Park that may be for sale.

Councilmember Cole stated he heard a complaint from a resident about the monthly magazine being too large and costly.

Councilmember Robinson received inquiries from neighbors on West Lake Sammamish Parkway. He said staff has responded to some neighbors. He requested a set of plans or drawings for Phase 2.

ACTION ON PROPOSED WILDLIFE HABITAT PLAN, DGA 01-004

The Mayor, in a memorandum to the City Council dated December 2, 2003, recommended removal of the Wildlife Habitat Plan development guide amendment from the 2001 Comprehensive Plan Update docket.

Motion by Ms. Dorning, second by Mr. Vache, to deny the amendment (alternative 2) to remove the Wildlife Habitat Plan Development Guide Amendment from the 2001 Comprehensive Plan Update docket.

Councilmember Paine asked are Councilmembers obligated to vote? Mr. Haney replied yes, unless the motion is withdrawn. He said the city's process is to adopt a docket of amendments as a package, and the Growth Management Act says you cannot consider amendments more than once a year, including denial; all Comprehensive Plan amendments are to be considered concurrently so they can be studied as a whole. He explained the Wildlife Habitat Plan was on the 2001 docket, and was reviewed throughout 2002 and 2003, and the Planning Commission recommended that it be adopted, but the city had already adopted its 2003 Comprehensive Plan amendments, and it was not carried forward on the 2002 or 2003 dockets, so it was not considered concurrently to consider cumulative effects. Staff is recommending removing the Wildlife Habitat Plan from the docket, but it is a procedural move that takes it out of the Comprehensive Plan for now, and the Council would have to approve the Comprehensive Plan docket and put it back on for consideration in 2004 or later, he added. He concluded staff could bring it back as part of the Sensitive Areas Ordinance Update, which would be a natural place to do it. He noted that Councilmembers could also abstain from voting on the motion.

Councilmember Paine said choosing to take it off the docket would make it difficult to get the strong points of the plan included next year. He stated he would abstain.

The Mayor said the Planning Commission worked in good faith, and asked if the plan is denied now and comes back next year, what would the Planning Commission process be? Roberta Lewandowski, Director, Planning and Community Development, said the Planning Commission's work helped staff narrow our thinking, and staff believes it will come up with issues to be considered, and will talk to the Council and the Planning Commission and also find out if there are other issues. She added the big issue with the public is should the city protect certain types of wildlife if the state does not, and how far should the city go; discussion of the plan in conjunction with the Sensitive Areas Ordinance would make the most sense.

Councilmember Robinson said he found it to be a case of over-regulation. He said any regulation will result in a cost, and clearly constitutes a taking.

Councilmember McCormick used the overhead projector to show a map of green spaces and Native Growth Protection Easement areas in the city. She agreed with the statements of the other Councilmembers that the plan reaches too far and verges on being a taking. She said there is a tremendous amount of open space for wildlife in the city; we need to find a balance, and working together can do that. There needs to be a definition of which species need to be preserved, and public education, she continued. She concluded she would vote to deny the plan and hope for a better product next year.

Motion carried (6 - 0) with Paine abstaining.

ORDINANCE - SEQUOIA ESTATES REZONE, DGA01-008 (quasi-judicial)

The Mayor, in a memorandum to the Council dated December 2, 2003, recommended approval of the ordinance regarding the Sequoia Estates Rezone and concomitant agreement.

Sarah Stiteler, Planner, gave some background on the issue. She said the applicant requests approval of a rezone on a 1.09 acre site from R-12 to R-18 zoning. She said the rezone would increase the gross density allowed on the site from thirteen to twenty dwelling units, or an addition of seven units. She said in 2002, when it was Twin Firs Rezone, the Council approved the Hearing Examiner's recommendation to remand it to the Planning Department to develop a Concomitant Zoning Agreement that addresses specific issues related to compatibility with adjacent properties on this small, infill site.

Councilmember Plackett disclosed she had conversations with Deborah Whitmore this summer about this issue.

Councilmember Vache inquired what consideration was made for traffic, since the property access is via Avondale Road? Ms. Stiteler replied traffic impact and access issues were acknowledged by the Hearing Examiner. She said the rezone is not likely to generate more than thirty PM peak trips; at the development stage those issues would be looked at closely.

The Mayor noted the Council and she received an email from Linda Flanigan opposing the rezone. James E. Haney, City Attorney, reminded the Council that there has already been a public hearing, and only one hearing is allowed, so no new information can be presented, and cannot be considered as testimony.

Councilmember McCormick said on May 6, 2002, the staff recommended denying the rezone for four different reasons. She asked what led staff to change its mind from 2002? Ms. Stiteler responded in looking at the sites surrounding the property, there were some concerns about compatibility between the proposal and how the additional density could be mitigated. She concluded the concomitant agreement allows the developer to ignore some of the R-12 restrictions. Ms. Lewandowski added with the concomitant agreement the property would have the look and feel of R-12 zoning, so staff can recommend support.

James Abbott, 1501 North 200 Street, Shoreline 98133, representing Larry Nelson, the applicant, said Mr. Nelson and the project architect, Mr. Riebe, are available to answer questions. He stated, in general, they have been through a two-and-one-half-year process, and the concomitant agreement details are what they worked out with staff, including a public meeting with the residents. He explained they agree to comply with the R-12 zoning requirements and the limit on building height, and two of the seven additional units will be affordable. He urged the Council to approve the Hearing Examiner's decision to approve the concomitant agreement.

Larry Nelson, 300 131 Avenue NE, Bellevue 98004, the applicant, stated his family has owned property in the Redmond area for nearly one hundred years, and have always sold and bought fairly.

Linda Flanigan, 17220 NE 85 Place, spoke in opposition to the rezone because it would make a drastic change in the established residents' quality of life. She said the trips will impact the road because it is the funnel point for the

surrounding developments, and the cumulative effect needs to be considered.

Bill McKenzie, 8653 Avondale Road, Brierwood Condominium Complex, which is adjacent to the subject property, was concerned about traffic because cars use the condominium complex's driveway as a turnaround point. He said the R-18 zoning is not compatible with the surrounding properties; other issues include less than two parking spaces per unit, no visitor parking, no enclosed parking, and the number of trees on the property. He urged the Council to deny the rezone for issues of traffic, compatibility, and property values of surrounding properties.

James Abbott said the last witness did not testify before the Hearing Examiner. To clarify something he said earlier, Mr. Abbott clarified the design provides for twenty of thirty-six parking spaces to be enclosed garages.

Pat Longwell, 17316 NE 85 Place, adjacent property owner, agreed with the previous speakers that traffic impacts will be significant. She continued that, in addition, the existing homes are single family, and the developers are asking to put eighteen units next to single family homes.

Councilmember Cole said this is a spot rezone and he did not believe the city could take one acre out of thirty or forty acres, change the zoning, and not call it a spot rezone. Mr. Haney said the definition of a spot rezone is to single out a piece of property in violation of the Comprehensive Plan, and this is not a spot rezone in that the Comprehensive Plan sets a range of densities from eight units to eighteen units per acre, which can be zoned differently than surrounding properties.

The Mayor said everything around this parcel is zoned R-12, even though some people have chosen not to develop to that that level of density.

Motion by Ms. McCormick, second by Ms. Dorning, to adopt Ordinance No. 2189 for the Sequoia Estates Rezone and Concomitant Zoning Agreement based on the recommendations of the Technical Committee and the Hearing Examiner, and accept the Hearing Examiner's Findings of Fact and Conclusions.

Councilmember McCormick said the two affordable units are a plus, and the proposal is in compliance with the Growth Management Act (GMA). She said as part of GMA, each city is told they have to take a certain amount of growth, but most cities have failed to meet the targets, and this gives Redmond seven more units. She continued that it is also

close to downtown. She said the negative side is the realities the existing neighborhood will have to live with and the cumulative effect on traffic. She concluded she is leaning toward voting for it, but wanted to listen to the other Councilmembers' comments.

Councilmember Dorning said the first time this was on the agenda she supported it, and will support it now. She said this community needs housing; Redmond has a demand for it, and not much land for it. She added she was sympathetic to the people who live there, but times have changed. One of the most important parts of the proposed development is it provides housing where there are convenient multi-modal methods of transportation available, she concluded.

RECESS

The Mayor declared a recess at 9:35 p.m. The meeting reconvened at 9:45 p.m.

Councilmember Robinson said it appears the applicant has met the terms and conditions provided by the city. He noted the traffic situation on the West Lake Sammamish Parkway improvements project has a great impact on his neighborhood, and staff has done a good job of trying to work with the neighbors.

The Mayor said there are a number of projects the city has recently approved in the Avondale Corridor; people can legally develop at twelve units an acre, and this one, at eighteen units per acre, will have the same impact as twelve units.

Councilmember Paine said it appears decisions have been made over the years by evaluating the requirements and needs of the neighborhoods. Initially, he continued, he was concerned about the transportation issues in the neighborhood as well as in the corridor, and it seems there are few solutions and the transportation issues will continue to get worse. He agreed with the need for affordable housing, but not in locations at any cost. He added neighborhood compatibility and adjacencies to the properties are huge issues. He concluded he was leaning toward denial, but he was not sure at this point.

Councilmember Vache said he presumed planning for these areas took into consideration the zoning that was in place, traffic, and that staff came to conclusions and planned accordingly. Now, the proposal is to change the zoning, which changes the formula, he added.

Councilmember Cole encouraged the Council to deny for the reasons that have been stated. He said even though Mr. Haney says it is legal to change the zoning, it changes the

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impact to the neighborhood with respect to traffic and impacts the people who live nearby, and he did not think it was fair to arbitrarily go in and change the zoning.

An ordinance approving the Sequoia Estates Rezone (File DGA 01-008); amending the official zoning map of the city to change the zoning of certain property located at 8533 and 17800 Avondale Road NE from Moderate Density Residential R-12 zoning, to Moderate Density Residential R-18 zoning with conditions (R-18/C); and establishing an effective date, was presented and read.

Upon a poll of the Council, McCormick, Dorning, and Robinson voted aye. Motion failed (3 - 4), with Cole, Paine, Plackett, and Vache voting nay.

Councilmember Dorning left at this time (10:00 p.m.)

WATERMARK CREDIT UNION DRIVE-UP ATM, REDMOND TOWN CENTER, DGA 02-011 AND LO20198

The Mayor, in a memorandum to the City Council dated December 2, 2003, recommended approval of the Planning Commission's recommendation to deny the proposed development guide amendment allowing drive-through automatic teller machines in the City Center 2 zone.

Gibran Hashmi, Planner, gave the Council some background on the proposed amendment.

Councilmember Cole noted that less than one hundred yards away there is a drive-through pharmacy, although it is in a different zone.

Councilmember Robinson agreed with Mr. Cole's comment, as there is a Dairy Queen and a Starbucks in the vicinity with drive-throughs.

James L. Roberts, Deputy Planning Director, explained that the little notch on the map with the Bartell's store was owned by Redmond Town Center, and that is why it is zoned differently.

Councilmember Plackett disclosed that she does business with Watermark Credit Union.

Mr. Hashmi said the Planning Commission was concerned about the effects of the trail users south of the Larry's Market site, and vehicle/pedestrian traffic conflicts.

Roberta Lewandowski said the Planning Commission noted that during review of the Comprehensive Plan it might consider changing the zoning. She noted the entire site, including

Larry's Market and Redmond Town Center was one big mixed-use zone. She added under this amendment drive-throughs could be located anywhere in the Redmond Town Center area.

Councilmember Paine said there are logical places for drive-throughs. He noted Redmond Town Center is not a very pedestrian-oriented area, and thought there was merit in studying this issue. He suggested that the Council not take action tonight, and have further discussion. Mr. Roberts said the Planning Commission will be looking at downtown issues next year, and one of them is to look at changing the designation of the area that is now CC-2.

The Mayor said the Council should have a conversation with Macerich about future development of the site since it was master planned. She added there are also security issues with ATMs, and putting an ATM facility on the backside of a building.

Councilmember McCormick stated the Council should deny the proposal and review it again in terms of the Comprehensive Plan Update. She said drive-up facilities have multiple problems. She noted that on page seven of the Planning Commission report, the Commission makes the case that the character on the east side of Bear Creek Parkway is different. She was concerned about the nature of vehicular traffic by the use of drive-ups.

Motion by Ms. McCormick, second by Mr. Cole, to approve the Planning Commission's recommendation to deny the proposed Development Guide Amendment to allow Drive-Through Automated Teller Machines (ATMs) in the City Center 2 zone (CC-2), and refer this issue back to the Planning Commission to look at possible changes in the zoning category for this area of CC-2. Motion carried unanimously (6 - 0).

APPEAL OF HEARING EXAMINER'S DECISION FOR HERITAGE WILSHIRE SHORT PLAT (quasi-judicial)

The Mayor, in a memorandum to the City Council dated December 2, 2003, recommended approval of the Hearing Examiner's decision.

Geoffrey Thomas, Senior Environmental Planner, summarized the proposed project to short subdivide 1.53 acres into six lots for single family detached dwellings.

In response to questions from Councilmembers Robinson and Plackett, Rob Crittenden, Public Works Engineer, gave a brief history of the issue, noting the existing stub with access from NE 41 Street was established in 1979 in Cedar

Firs Plat. He explained that national road standards specify that access to single family neighborhoods should be from a residential or lower classified street, not a minor arterial, like NE 40 Street. The two-lane right-of-way was established prior to the homes being built and, currently, looks like a split driveway, he concluded.

Mark Law, 16631 NE 41 Street, speaking on behalf of Manchester Estates and referring to a power point presentation, said the residents are united with the developer against the road access, and have been working on alternatives to the access. He outlined some things that were incorrectly represented in the material presented:

- The house on the bottom right quadrant will be using the access as well.
- Current vehicle access from NE 40 Street on the bottom left quadrant has always existed.
- NE 40 Street is the preferred access rather than NE 41 Street.

Mr. Law said his neighbor, Jack Griffith, who resides at 16703 NE 41 Street, was told by the developer that the right-of-way was in place to be punched through to NE 40 Street. He noted the driveways were built in such a way that the access would never become a road and Mr. Griffiths has tried several times to purchase the right-of-way from the city. He added there is a clear line of sight on NE 41 Street, and it is not a heavy traffic zone except during peak hours; however, there are clear safety concerns with the two-lane driveway. The residents asked for alternate access and were denied by the city because it was not city policy. He concluded there are no safety issues related to having access off of NE 40 Street, and doing so maximizes the local circulation system.

Councilmember Robinson asked could a condition of the denial include a requirement to provide a trail access from NE 41 Street to NE 40 Street? James E. Haney, City Attorney, replied yes, if information was included in the hearing record and it met the requirements of the plat.

Councilmember Robinson said the driveways are there and have been developed at the residents' own risk. He said it is a neighborhood public safety issue, and if vehicle access could be on NE 40 Street with access to the backside of the development, it would satisfy the developer's requirements as well as the neighborhood's requirements.

Councilmember Paine said safety is the overriding factor. He said the proposal for access off of NE 40 Street would mean a lot less neighborhood traffic impact; in addition, it appears that accessing NE 40 Street by a small volume of traffic is not critical.

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Mr. Haney explained that if the Council wishes to overturn the Hearing Examiner's decision with respect to the appeal, it could do so with direction for staff to present findings and conclusions based upon the Council's discussion at a future meeting.

There were no speakers for the opposing side.

Motion by Mr. Paine, second by Mr. Robinson, to grant the appeal and with modifications to the short plat to include a pedestrian corridor, thereby overturning the Hearing Examiner's decision to deny the appellants' appeal of the Hearing Examiner's decision in the matter of the Technical Committee's approval of the Heritage Wilshire Short Plat Application, L020215; and to direct staff and the City Attorney to present to the Council findings and conclusions for granting the appeal based on the Council's discussion.

Motion carried unanimously (6 - 0).

RECOGNITION OF COUNCILMEMBERS DORNING AND PLACKETT

The Mayor stated that this item would be postponed until the December 9, 2003 study session.

COMMITTEE REPORTS

Committee Report - Parks and Human Services Committee

Councilmember Plackett announced that Councilmember Robinson would chair the next meeting scheduled for December 10, 2003 at 4:00 p.m.

ADJOURNMENT

There being no further business to come before the Council, the Mayor declared the meeting adjourned at 11:10 p.m.

MAYOR

CITY CLERK